Serial No. 10/743,070
Docket No.: OSP-13381 CON
SHI.036CON

REMARKS

Entry of this Amendment is proper because it places the Application in condition for allowance.

Claims 1-4, 6-11, 14-21 and 23-24 are the claims presently pending in the application. Claim 24 has been amended to correct a typographical error.

It is noted that the claim amendments herein or later are not made to distinguish the invention over the prior art or narrow the claims or for any statutory requirements of patentability. Further, Applicant specifically states that no amendment to any claim herein or later should be construed as a disclaimer of any interest in or right to an equivalent of any element or feature of the amended claim.

Applicant gratefully acknowledges the Examiner's indication that claim 8 would be allowable if rewritten in independent form to include all the limitations of the base claim and any intervening claim.

Claim 1-2 and 23 stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 3 of U.S. Patent No. 6,759,806 in view of Katsuo (JP 56-084863). Claims 3-4 stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 6 of U.S. Patent No. 6,759,806 in view of Katsuo and further in view of Honda, et al. (U.S. Patent No. 6,249,086). Claim 6-7 and 24 stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 6 of U.S. Patent No. 6,759,806 in view of Katsuo. Claims 14 and 17 stand rejected under the judicially crated

doctrine of obviousness-type double patenting as being unpatentable over claim 6 of U.S. Patent No. 6,759,806 in view of Katsuo and further in view of Takeuti, et al. (U.S. Patent No. 6,211,616). Claims 9-11, 15-16, and 19 stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 6 of U.S. Patent No. 6,759,806 in view of Katsuo and further in view of Honda. Claim 18 stands rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 6 of U.S. Patent No. 6,759,806 in view of Katsuo and further in view Genz (U.S. Patent No. 5,635,796). Claim 20 stands rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 3 of U.S. Patent No. 6,759,806 in view of Katsuo and further in view of Sugitani (U.S. Patent No. 6,271,628). Claim 21 stands rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 3 of U.S. Patent No. 6,759,806 in view of Katsuo and further in view of Takeuti.

Applicant submits herewith a terminal disclaimer, thereby rendering moot the above non-statutory double patenting rejections.

In view of the foregoing, Applicant submits that claims 1-4, 6-11, 14-21 and 23-24, all the claims presently pending in the application, are patentably distinct over the prior art of record and are allowable, and that the application is in condition for allowance. Such action would be appreciated.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned attorney at the local telephone number

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listed below to discuss any other changes deemed necessary for allowance in a telephonic or personal interview.

To the extent necessary, Applicant petitions for an extension of time under 37 CFR §1.136. The Commissioner is authorized to charge any deficiency in fees, including extension of time fees, or to credit any overpayment in fees to Attorney's Deposit Account No. 50-0481.

Respectfully Submitted,

Date: 9/23/05

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CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that the foregoing Amendment was filed by facsimile with the United States Patent and Trademark Office, Examiner Sharlene L. Leurig, Group Art Unit #2879 at fax number (571) 273-8300 this 23rd day of September, 2005.

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